

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VIET OUM,

Plaintiff,

v.

HEIDT, et al.,

Defendants.

Case No.: 2:23-cv-00675-RFB-NJK

ORDER

On May 1, 2023, *pro se* plaintiff Viet Oum, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. See Docket No. 1.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate

1 can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

2 Accordingly, for the reasons stated above,


3 IT IS ORDERED that Plaintiff has **until July 5, 2023**, to either pay the full \$402 filing fee
4 or file a fully complete application to proceed *in forma pauperis* with all three required documents:
5 (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial
6 certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the
7 inmate's trust fund account statement for the previous six-month period.

8 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
9 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
10 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
11 complete application to proceed *in forma pauperis* or pay the required filing fee.

12 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Viet Oum the approved form
13 application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the
14 complaint, Docket No. 1-1, but not file it at this time.

15 IT IS SO ORDERED.

16 DATED: May 2, 2023.

17
18
19 
20 NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28